

2.9-09

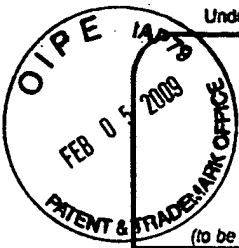
IBW

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	08/552,839	Conf. No. 5915
Filing Date	November 3, 1995	
First Named Inventor	Qing Wang et al.	
Art Unit	1636	
Examiner Name	Christopher S.F. Low	
Attorney Docket Number	105576-0044-104	

ENCLOSURES (Check all that apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment and Response
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Petition for Extension of Time
<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Supplemental Information Disclosure Statement
<input checked="" type="checkbox"/> Form PTO/SB08/a/b with 16 foreign patent documents including 7 English abstract of Japanese patents; 17 non-patent literature documents.
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Return Receipt Postcard |
|---|--|--|

Remarks

The Director is hereby authorized to charge payment of any fees required in connection with filing of these papers to Deposit Account No. 06-1075, Order No. 105576-0044-104.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Ropes & Gray LLP		
Signature	<i>J. F. Haley Jr.</i>		
Printed name	James F. Haley, Jr.		
Date	February 5, 2009	Reg. No.	27,794

CERTIFICATE OF EXPRESS MAIL - Express Mail No.: EM209742371US

I hereby certify that this paper/fee and the listed enclosures are being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature	<i>Sarah Schlie</i>		
Typed or printed name	Sarah Schlie	Date	February 5, 2009

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

American LegalNet, Inc.
www.FormsWorkflow.com



Attorney Docket No.: 105576-0044-104 (Cell 16.3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Qing Wang et al.
Application No. : 08/552,839 Confirmation No.: 5915
Filed : November 3, 1995
For : NOVEL ADENOVIRAL VECTORS, PACKAGING
CELL LINES, RECOMBINANT ADENOVIRUSES
AND METHODS
Group Art Unit : 1636
Examiner : Christopher S.F. Low

New York, New York
February 5, 2009

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97, applicants hereby make the following documents of record in the above-identified patent application:

* A completed Form PTO/SB/08a/b listing these documents is attached hereto.

U.S. Patent Documents

5,173,414	12/22/1992	Lebkowski et al.
5,252,479	10/12/1993	Srivastava
5,354,678	10/11/1994	Lebkowski et al.
5,756,283	05/26/1998	Wilson et al.
2003/0096787 A1	05/22/2003	Perricaudet et al.

Foreign Patent Documents

WO 96/14061	05/17/1996	Cell Genesys, Inc.
WO 96/22378	07/25/1996	Rhone-Poulenc Rorder S.A.
WO 96/39530	12/12/1996	The Trustees of the University of Pennsylvania
CA 2 141 212	04/17/2007	Transgene S.A., FR
CA 2 145 641	05/27/2008	Genzyme Corporation
CA 2 161 962	10/05/1999	The Regents of the University of Michigan
CA 2 192 442	09/25/2007	Genvec, Inc.
CA 2 204 357	09/11/2007	Cell Genesys, Inc.
EP 0 797 436	03/15/2006	Cell Genesys, Inc.
JP 4167725	10/22/2008	Cell Genesys, Inc.
JP 7509616	10/26/1995	Transgene S.A., FR
JP 8501703	02/27/1996	Rhone-Poulenc Rorder S.A.
JP 11504502	04/27/1999	Rhone-Poulenc Rorder S.A.
JP 11507240	06/29/1999	The Trustees of the University of Pennsylvania
JP 2005-269997	10/06/2005	Kumamoto Tech & Ind. Found
JP 2008-200043	09/04/2008	Cell Genesys, Inc.

Other Documents

- Kathleen L. Berkner, "Development of adenovirus vectors for the expression of heterologous genes," *Biotechniques*, 6, pp. 616-629 (1989).
- Barrie J. Carter, "Adeno-associated virus vectors," *Current Opinion in Biotechnology*, 3, pp.533-539 (1992).
- Robert D. Gerard et al., "Adenovirus-mediated gene transfer," *Trends Cardiovasc. Med.*, 3, pp. 171-177 (1993).
- F.L. Graham et al., "Adenovirus-based expression vectors and recombinant vaccines," *Biotechnology*, Chapter 16, 363-390 (1992).
- F.L. Graham et al., "Characteristics of a human cell line transformed by DNA from human adenovirus type 5," *J. Gen. Virol.*, 36, pp. 59-72 (1977).
- Tim Harrison et al., "Host-range mutants of adenovirus type 5 defective for growth in HeLa cells," *Virology*, 77, pp. 319-329 (1977).
- Michael J. Imperiale et al., "Adenovirus 5 E2 transcription unit: an E1A-inducible promoter with an essential element that functions independently of position or orientation," *Molecular and Cellular Biology*, 4, pp. 875-882 (1984).
- N.C. Jones et al., "Trans-acting protein factors and the regulation of eukaryotic transcription: lessons from studies on DNA tumor viruses," *Genes Dev.*, 2, pp. 267-281 (1988).
- Kwang-Soo Kim et al., "Both the basal and inducible transcription of the tyrosine hydroxylase gene are dependent upon a cAMP response element," *Journal of Biological Chemistry*, 268, pp. 15689-15696 (1993).
- Robert M. Kotin, "Prospects for the use of adeno-associated virus as a vector for human gene therapy," *Human Gene Therapy*, 5, pp. 793-801 (1994).
- Karen F. Kozarsky et al., "Gene therapy: adenovirus vectors," *Current Opinion in Genetics and Development*, 3, pp. 499-503 (1993).
- Kevin A. W. Lee, "Distinguishable promoter elements are involved in transcriptional activation by E1a and cyclic AMP," *Molecular and Cellular Biology*, 9, pp. 4390-4397 (1989).
- M. Aleida Leza et al., "Independent cyclic AMP and E1A induction of adenovirus early region 4 expression," *Journal of Virology*, 63, pp. 3057-3064 (1989).
- Karin Öhman et al., "Two adenovirus proteins with redundant activities in virus growth facilities tripartite leader mRNA accumulation," *Virology*, 194, pp. 50-58 (1993).
- David H. Weinberg et al., "Adenoviral early region 4 is required for efficient viral DNA replication and for late gene expression," *Journal of Virology*, 57, pp. 833-838 (1986).
- Bruce C. Trapnell, "Adenoviral vectors for gene transfer," *Advanced Drug Delivery Reviews*, 12, pp. 185-199 (1993).

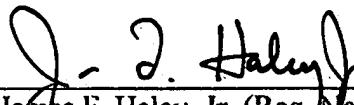
Xiao Xiao et al, "Adeno-associated virus (AAV) vectors for gene transfer," *Advanced Drug Delivery Reviews*, 12, pp. 201-215 (1993).

The above documents were cited by the Examiner in related U.S. and foreign patent applications. In accordance with 37 CFR 1.98(a)(2), applicants have not submitted copies of the U.S. patents and the U.S. patent application publication. Copies of the foreign patent documents and the non-patent literature documents are enclosed. The "concise explanation" requirement for the non-English documents under 37 C.F.R. § 1.98(a)(3) is satisfied by an English language abstract attached to each non-English document.

Applicants respectfully request that the listed documents be (1) considered by the Examiner prior to issuance of any patent from this application; and (2) printed on any patent that may issue from this application. Applicants also request that a copy of the enclosed Form PTO/SB/08a/b, as considered and initialed by the Examiner, be returned with the next communication.

The Director is hereby authorized to charge payment of \$180.00 fees required in connection with this Supplemental Information Disclosure Statement to Deposit Account No. 06-1075, Order No. 105576-0044-104.

Respectfully submitted,



James F. Haley, Jr. (Reg. No. 27,794)
Attorney for Applicants

ROPES & GRAY LLP
Customer No. 1473
1211 Avenue of the Americas
New York, New York 10036
Tel.: (212) 596-9000
Fax: (212) 596-9090